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ABSTRACT

A history of and growth of labor-management programs, issues in labor-management relations, and methods of dealing with union representatives are discussed. Several graphics and handouts illustrate labor-management problems. A glossary of related terms and bibliography are included. (NF)

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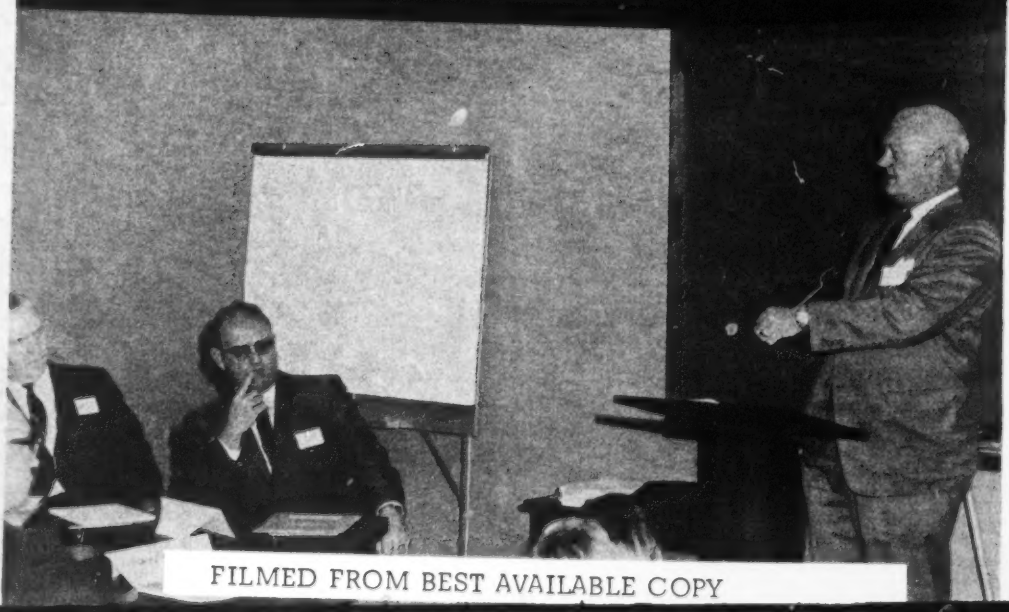
DISCUSSION GUIDE

LABOR-MANAGEMENT RELATIONS NO. II-6-21

ED 067555

COMMERCE SUPERVISORY COURSE



OFFICE OF THE SECRETARY

OFFICE OF PERSONNEL

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ABOUT THE DISCUSSION GUIDES

The study of supervisory processes and practices has been going on for many, many years, and practical knowledge of experience based supervisory activities continues to increase. These discussion guides provide ideas, concepts, and approaches to the supervisory function that capture the experience of successful supervisors in the Federal Government.

These guides, covering the major processes of the Government supervisor, are in response to the need for basic supervisory training materials that can be used in the instruction and training of supervisors throughout the U.S. Department of Commerce.

Each discussion guide may be used separately or in concert with other guides. Latitude is provided in the design to tailor the subject matter to the needs of the respective bureaus of the U.S. Department of Commerce.

These guides were developed by a Task Force composed of representatives of the various Bureaus of the U.S. Department of Commerce and the Office of the Secretary. Their background and experience reflects a variety of professional and technical specialties within the Department.

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The discussion guide on the subject of Labor-Management Relations was the task assignment of Robert F. Bain, National Bureau of Standards.

ED 067535

U.S. Department of Commerce

COMMERCE SUPERVISORY COURSE

SESSION II-6-21

LABOR-MANAGEMENT RELATIONS

Office of Personnel
Office of the Secretary
Department of Commerce

SESSION II-6-21

LABOR-MANAGEMENT RELATIONS

Introduction and Overview

The purpose of this session is to emphasize the importance of the role of the supervisor as the first link in an effective labor-management relations program. The supervisor must be familiar with the general concepts of the labor-management relations program that are elucidated in Executive Order 11491. Special emphasis is given to those areas in which EO 11491 differ from EO 10988:

1. A central authority to administer the program,
2. Elimination of multiple forms of recognition,
3. Improvements in the negotiation process and increased status for negotiated agreements,
4. Third party impartial procedures to resolve disputed matters with finality,
5. Clarification of the role of supervisors and supervisor organizations, and
6. Financial reporting and disclosure requirements for Federal unions similar to those for unions in the private sector.

Case studies and class discussion are used to give the supervisor an opportunity to commit himself to roles he must play in the various potential conflict situations that may arise in a labor-management relations program.

The following handouts should be distributed to the class in advance of the formal session:

EO 11491	Handout II-6-21-H1
EMR Terms	" II-6-21-H2
Third Party Machinery	" II-6-21-H3
Supervisory Status	" II-6-21-H4
Relevant Case Studies	" II-6-21-H5

(to be obtained from Office of Career Management)

INTRODUCTION

SESSION: II-6-21 SUBJECT: LABOR-MANAGEMENT RELATIONS

HANDOUT:

DISTRIBUTE HANDOUT II-6-21-H6

QUIZ ON LABOR-MANAGEMENT RELATIONS

A short quiz is used to introduce the subject matter to the participants. One question is asked on each of the key points to be covered in the session. Participants are asked to respond to the best of their knowledge, or according to what attitude they think is correct. The quiz gives the participant a personal feedback on what his knowledge and attitudes are prior to beginning the session.

THE SETTING FOR LABOR-MANAGEMENT RELATIONS IN THE FEDERAL SERVICE

The purpose of this section is to describe the history and growth of labor-management relations in order to provide an understanding of the context of current executive policy.

DISCUSSION QUESTION: WHAT IS THE MAGNITUDE OF UNION REPRESENTATION IN THE FEDERAL SERVICE AND IN THE DEPARTMENT OF COMMERCE?

Magnitude of Union Representation

As of December 31, 1968, 52% of the Federal working force was represented in Unions with exclusive recognition. As of December 31, 1969, 54% was represented. The Post Office Department has about 87% of its working force represented. The Department of Commerce has about 27% of its work force represented.

GRAPHIC:

SHOW GRAPHIC II-6-21-G1

UNION REPRESENTATION IN COMMERCE

The graphic illustrated the union representation situation in each of the Bureaus of the Department of Commerce, highlighting the high representation in the Patent Office which has professional employee organizations contrasted to low representation in agencies such as the National Bureau of Standards and Domestic and International Business with many professional employees that are not organized. Stress the meaning of the numbers in terms of your own Bureau representation. Also describe the union representation situation at your own Bureau.

Note to Instructor

The instructor should contact the Career Management

Division, Office of Personnel or the local operating personnel office for current information on Form CSC 913A, entitled "Summary Report of Recognitions and Agreements by Unions." This report reflects the units holding bargaining recognition; the number of employees in bargaining units by pay system; the number of bargaining agreements; and the number of employees covered by the bargaining agreements.

Variety of Unions

Discuss the number of different union organizations that exist with recognition in the Department of Commerce such as the Metal Trades Council, National Federation of Federal Employees, American Federation of Government Employees, and National Association of Government Employees.

DISCUSSION QUESTION: HOW LONG HAS THE FEDERAL SERVICE HAD TO DEAL WITH UNIONISM?

Union History In The Federal Service

Beginnings

1831 - Shipyards were organized;

1861 - 1906 - The Government Printing Office had a closed shop.

1899 - Letter carriers were organized in the Post Office Department.

1912 - Lloyd La Follette Act:

This act gave Federal workers the right to belong to unions.

1948 - Taft Hartley:

This act forbids the right to strike.

1962 - Executive Order 10988:

EO 10988 for the first time gave the Executive Branch formal mechanisms for recognition and dealings with unions in the Federal Service.

1969 - Executive Order 11491:

This is the revision of EO 10988 in the light of Federal experience the previous seven years.

GRAPHIC: SHOW GRAPHIC II-6-21-G2

DISCUSSION QUESTION:
WHAT ARE THE BASIC PRINCIPLES UNDERLYING THE LABOR-MANAGEMENT RELATIONS PROGRAM IN THE PUBLIC SECTOR?

BASIC PRINCIPLES

Program Principles

In this section, direct the discussion to broad program Principles underlying public employee labor relations. This will lead into a discussion of the major differences between public and private sector relationships. Then summarize with a discussion of major principles in EO 11491.

1. Recognize basic employee rights: right to join or not without coercion; right to bring matters of personal concern to management's attention; grievances or appeals.

2. Penalize obstructionist employers: Code of Fair Labor Practices; negotiate in good faith; Federal unions and managers need to learn to bargain with the sophistication of the private sector.

3. Grant preference to majority organizations: exclusive recognition; national consultation rights.

4. Meet and confer in good faith: The current public sector alternative to collective bargaining.

5. Emulate private sector experience as much as possible: e.g., definition of supervisor; contract administration procedures; steward-supervisor communications; etc.

GRAPHIC:

SHOW GRAPHIC II-6-21-G3

DISCUSSION QUESTION:
WHAT ARE THE MAJOR DIFFERENCES BETWEEN PUBLIC AND PRIVATE LABOR RELATIONS PROGRAMS?

Public versus Private Labor Relations Differences

In this section, emphasize the peculiar nature of public employment, which has resulted in both labor and management agreeing that labor relations need a different program base than that which applied to the private sector.

1. Strike ban: public safety and security.

2. Reliance on impasse procedures: alternative to strikes.

3. Definition of essential services: public health (e.g., sanitation workers); public safety (e.g., guards).

4. Role of public opinion and politics: union activity in the public sector affects all the people more directly; public opinion influences actions to a much greater degree.

5. Impact of merit practice and systems: Civil Service seeks to be a model employer; law and regulations preempt much of union "gut" issues.

6. The fragmented approval authority of public officials under contractual agreements. Who represents management: the negotiator (usually a Personnel Officer or operating manager at sub-Bureau level), the Bureau Director, the Secretary of Commerce, the President of the United States, or Congress?

GRAPHIC: BASIC CHANGES

SHOW GRAPHIC II-6-21-G4

DISCUSSION QUESTION: HOW HAS EO 11491 BEEN CHANGED TO REFLECT THESE UNDERLYING PRINCIPLES?

Basic Changes in EO 11491

1. Central authority to administer the program--relates to strike ban, impasse procedures, and fragmented approval authority.

GRAPHIC: CENTRAL AUTHORITY

SHOW GRAPHIC II-6-21-G5

2. Elimination of multiple forms of recognition--relates to the grant of preference to majority organizations.

3. Improvement in the negotiation process and increased status for negotiated agreements--relates to meet and confer in good faith.

4. Third party impartial procedures to resolve disputed matters with finality--relates to reliance on impasse procedures, strike ban and penalize obstructionist employers.

GRAPHIC: SUPERVISOR DEFINED

SHOW GRAPHIC II-6-21-G6

5. Clarification of the role of supervisors and supervisor organizations--relates to emulating private sector practice.

6. Financial reporting and disclosure requirements for Federal unions--relates to emulating private sector practice.

THE ISSUES IN LABOR-MANAGEMENT RELATIONS

The instructor needs to indicate to the supervisory participants that they must fill the gap between program goals as enunciated in EO 11491 and the actuality of a labor-management relations program. The instructor should point out to supervisors the stage of flux in which labor-management relations lies. Because of that, the supervisor must learn how to translate program principles into supervisory actions which must be based upon his best judgment of the situation.

The next section of the lesson plan attempts to present supervisor-union communications in the form of issues built around actual case histories in the Department of Commerce. The Office of Career Management, Department of Commerce, will attempt to maintain a file of case studies that are particularly relevant to the issues in his own Bureau, and gives the class a chance to deal with these in depth. The remaining issues should be presented in discussion or lecture to insure that the major considerations are covered.

GRAPHIC:
BASIC ISSUES

SHOW GRAPHIC II-6-21-G7

CROSS REFERENCE TO QUESTION (1) OF QUESTIONNAIRE

Membership and Representation

In discussion of this issue, the instructor needs to get the supervisor to understand the right of employees freely to join or not to join and be represented by an employee organization of his choice. Items that should come out of the discussion include:

1. Right to join or not to join without coercion;
2. Union competition for membership and recognition;
3. Appropriate unit determination
   a. excessive fragmentation of units,
   b. confusing and overlapping relationship;
4. Definition of rights and obligations of the parties;
5. National consultation rights under EO 11491
   a. notify union about proposed personnel policy changes,
   b. opportunity for union to comment,

c. union suggest and management carefully consider personnel policy changes,

d. confer in person upon request at reasonable times,

e. submit views in writing at any time;

6. Exclusive recognition under EO 11491

a. all rights enumerated in (5) above, plus:

b. right to represent unit employees in grievances,

c. right to <u>negotiate contractual agreements</u> for the unit.

<u>Supervisory Exclusion</u>

In discussion of this issue, the instructor needs to get the supervisor to understand the rights and privileges conferred by public labor relations laws should be denied to (a) managerial and supervisory personnel who have authority to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline; assign or direct work, adjust grievances; (b) elected and top appointive officials; (c) categories of "confidential" employees (e.g., guards, labor relations staff, etc.; those whose duties would conflict with union membership). Items that should come out of the discussion include:

1. Conflict of interest;

2. Community of interest expressed through supervisory associations;

3. Definition of supervisors;

4. Belong but not manage.

REFER TO QUESTION (2) OF QUESTIONNAIRE

<u>Right to Strike</u>

In discussion of this issue, the instructor needs to get the supervisor to understand that law prohibits Federal employees from engaging in strikes; but should mandate the use of specific procedures (e.g., <u>fact finding</u>, <u>mediation</u>, <u>arbitration</u>) to resolve impasses in public employee disputes. Items that should come out of the discussion include:

1. Strike threat's contribution to meaningful dialogue;

2. What is public equivalent to strike?

   Mediation

   Fact Finding

   Advisory Arbitration

   Cumpulsory Arbitration

3. The end sought is improvement of employment conditions;

4. Essential versus non-essential employees;

5. What is "no strike" sanction?

6. Work stoppages versus strikes; union responsibility to prevent.

Union Democracy and Integrity

In discussion of this issue, the instructor needs to get the supervisor to understand that Federal regulations bar recognition to organizations which fail to provide "bill of rights," standards and safeguards for periodic elections, regulation of trusteeships and fiduciary responsibilities of officers, and maintenance of accounting and fiscal controls and regular financial reports. Items that should come out of the discussion include:

1. What is supervisor's concern for how union operates?

2. Reporting and disclosure of financial transactions and administrative requirements;

3. Bonding requirements;

4. Standards for trusteeships and elections for labor organizations having recognition under the order.

"Meet and Confer" versus "Collective Bargaining"

CROSS REFERENCE TO QUESTIONS (5) AND (10) OF QUESTIONNAIRE

In discussion of this issue, the instructor needs to get the supervisor to understand that (a) EO 11491 requires agency managers to meet and confer with employees and their organizations, and (b) requires agencies to negotiate collectively with employee representatives. Items that should come out of the discussion include:

1. Management rights balanced vis-a-vis employee needs;

2. Governmental representative committing his jurisdiction;

3. Good faith inferences:

   Open mind by both parties

   Agreeable and convenient meeting times

   Represented by duly authorized spokesmen

   Reasonable leave to negotiate

   Free exchange of information

   Real differences are not bad faith

   Receptivity to mediation

Management Rights

CROSS REFERENCE TO QUESTION (9) OF QUESTIONNAIRE

In discussion of this issue, the instructor needs to get the supervisor to understand that managers retain unrestricted rights as delineated in Section 11b and 12b Executive Order 11491. However, this unrestricted right does not remove his responsibility to listen, with consideration, to employee or union complaints or grievances. Items to come out of the discussion should include:

1. Managers retain the right to:

   a. direct the work of their employees;

   b. hire, promote, demote, transfer, assign, and retain employees;

   c. suspend or discharge for proper cause;

d. maintain efficiency of Government operations;

e. relieve employees from duties because of lack of work and other legitimate reasons;

f. carry out the mission of the agency: its budget; its organization; the number of employees and the numbers, types and grades of positions of employees assigned to an organization, unit, work project, or tour of duty; the technology of performing its work, or its internal security practices.

Administrative Machinery

GRAPHIC: ORGANIZATION CHART CENTRAL AUTHORITY

SHOW GRAPHIC II-6-21-G5 (again)

In discussion of this issue, the instructor needs to get the supervisor to understand that there must be appropriate machinery to resolve recognition and representation disputes, insure adherence by all parties to the EO and provide means of facilitating the resolution of controversy arising out of impasses. Items of discussion include:

1. Resolution of disputes;

2. Hearing complaints;

3. Resolving impasses;

4. Settling disputes through administrative machinery rather than court cases: e.g., mediation, fact finding, or arbitration.

CONTRACT ADMINISTRATION

During the discussion of issues, many points of immediate concern to supervisors will arise. In this section, you may be in the position of summarizing previous discussion or in some cases, introducing new material. In either case, the major goal of the instructor in this section is to establish a set of firm guidelines for the supervisor which will help him to deal with Union matters whenever they arise. The discussion should highlight the stages of Union involvement:

1. The period when a Union is organizing;

2. The period when a Union is seeking recognition;

3. The period when a Union has gained recognition but does not have an agreement;

4. The period when a Union has an agreement.

DISCUSSION QUESTION: WHAT SHOULD THE SUPERVISOR BE DOING WHEN A UNION IS ORGANIZING?

- o During a Union organizing drive, the supervisor must maintain a role of strict neutrality, neither encouraging or discouraging employees to join.

- o The Union is given a set of rules by the Labor-Management Relations Official as to where, when, and how the Union is to conduct its activities during the organizing drive. If the Supervisor has questions about what is allowed, he should get in touch with this official.

- o Under no circumstances is Union organizing to be conducted on official time, or in any way to interfere with the continued efficiency of the work operation.

DISCUSSION QUESTION: WHAT ARE THE CONCERNS OF A SUPERVISOR WHEN A UNION IS SEEKING RECOGNITION?

- o The Union recognition process is handled primarily by the Labor-Management Relations staff. During this period, a Union does not have formal standing in the agency. However, it is wise for a supervisor to realize that once recognition is granted, he is going to have to deal constructively with Union representatives. Therefore, during this period he should be concerned about developing the base for a constructive relationship.

DISCUSSION QUESTION: HOW DO THINGS CHANGE, WHEN THE UNION GETS EXCLUSIVE RECOGNITION?

When the Union gains exclusive recognition, a formally prescribed relationship is established.

1. The Union meets periodically with Management and Personnel:

   a. the Union is <u>consulted</u> by Management and Personnel (clarify the difference between <u>consultation</u> and <u>negotiation</u>),

   b. the scope of consultation is described in section 10e of Executive Order 11491,

c. agenda items may be initiated by Union or Management.

2. When exclusive recognition has been granted, the Union represents all the employees in the Unit, whether or not they are Union members.

DISCUSSION QUESTION: HOW DOES A NEGOTIATED AGREEMENT AFFECT EXCLUSIVE RECOGNITION?

A negotiated agreement explicitly spells out specific areas in which the Union and Management agree to follow given procedures. The agreement is binding on both parties. It is extremely important for supervisors to know in detail the terms of an agreement. The instructor should determine those supervisors in his class who are supervising units with **exclusive** recognition and negotiated agreement, and give copies of agreements to them.

HANDOUT: NEGOTIATED AGREEMENTS

DISTRIBUTE HANDOUT II-6-21-H7

- o Prior to negotiations, supervisors should be prepared to provide input to the management negotiating team.
- o After the agreement has been signed, supervisors should learn the scope of the negotiated agreement.
- o Supervisors should become acutely aware of the articles of the agreement that affect their operations.
- o Finally supervisors must learn to make adequate judgments on the use of official time by Union members. They must consider the purpose and the duration of the time used. Official time may not be granted for the condut of internal Union business. Only reasonable time should be granted for carrying out that business authorized to be conducted on official time. The supervisor should raise questions about, or report, possible misuse of official time.

DEALING WITH UNION REPRESENTATIVES

DISCUSSION QUESTION: DOES A SUPERVISOR NEED TO ACT DIFFERENTLY WHEN DEALING WITH A UNION STEWARD?

In some ways the supervisor acts in the same fashion as always. e.g.:

He supervises to control work operations.

He proposes appropriate personnel actions.

He discusses complaints and grievances with employees.

However, in other ways the supervisor must act with greater caution when dealing with a Union Steward. e.g.:

Always try to resolve a Union problem at your own level of operation. The basic plank of a good employee-management cooperation program is the resolution of disputes at the level that they occur.

However, be ready to refer promptly those cases

a. not within your authority, or

b. which you are unable to resolve.

Remember:

a. Employees speak more plainly through a Union.

b. A Union frequently is looking over your shoulder.

c. Grievances handled by a Union will be handled by articulate spokesmen in most cases.

SUMMARY

To conclude the session, you may refer back to the original questionnaire. Ask if there are any unanswered questions.

At the conclusion of the class, distribute the remaining handouts.

II-6-21-H8 Department of Commerce Administrative Order 202-711

II-6-21-H9 Bibliography

U.S. Department of Commerce

COMMERCE SUPERVISORY COURSE

SESSION II-6-21

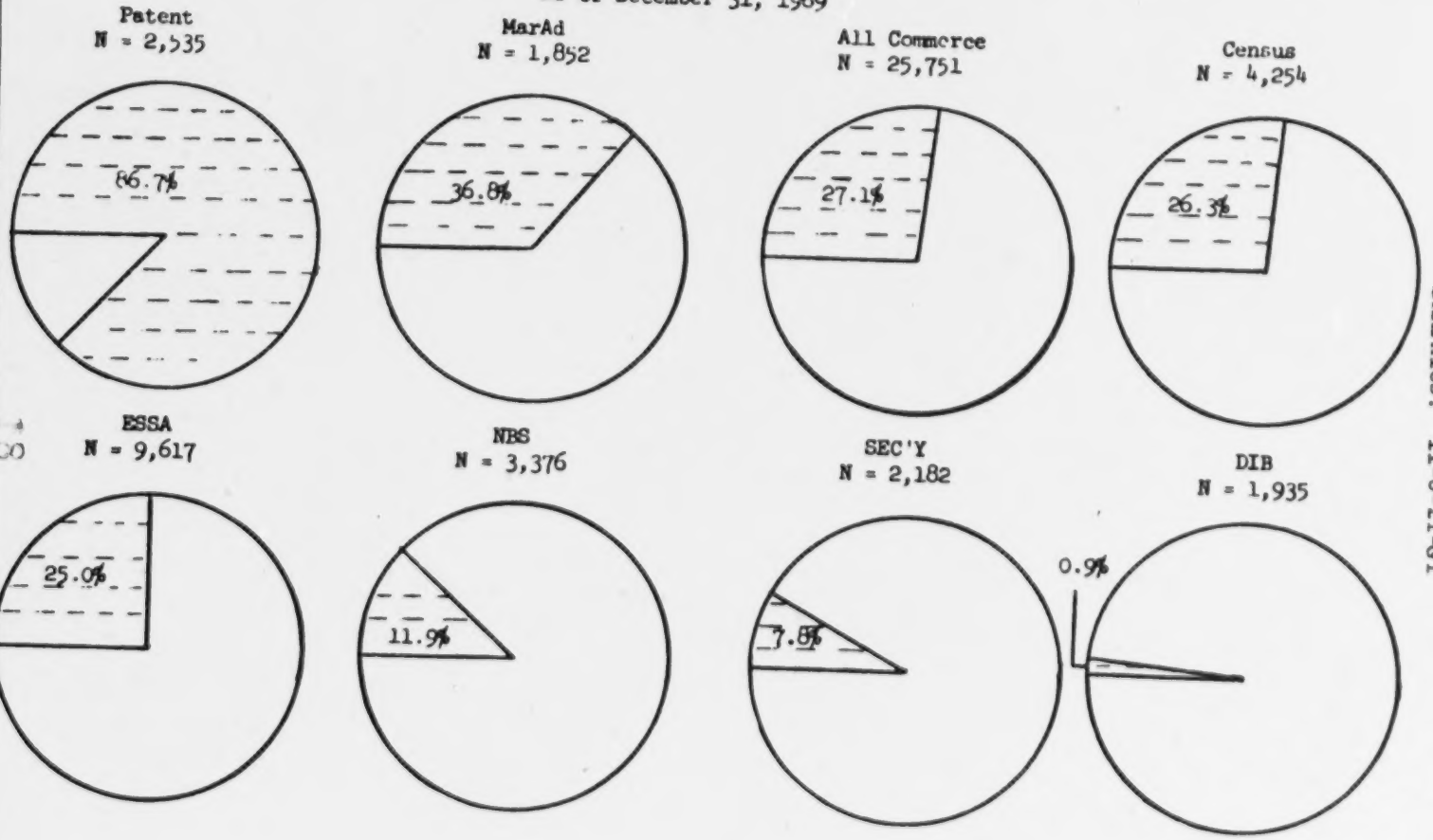
LABOR-MANAGEMENT RELATIONS

GRAPHICS

U. S. Department of Commerce

Percent Employees in Exclusive Units

As of December 31, 1969



GRAPHICS: II-6-21-G1

U. S. Department of Commerce - Commerce Supervisory Course 21-G3

U. S. Department of Commerce
Quarterly Personnel Statistical Report

Quarter Ending
December 1969

EMPLOYEE ORGANIZATIONS

As of December 31, 1969

PERSONNEL OFFICE	Full-Time Employees Without Limitation	Labor-Management Staff Time (Man-Months)	EXCLUSIVE UNITS AND AGREEMENTS					
			Exclusive Units			Agreements		
			Number	Employees Covered	Percent	Number	Employees Covered	Percent
SEC'Y	2,182	1.0	3	171	7.8%	0	0	0.0%
DIB	1,935	0.0	2	17	0.9	0	0	0.0
CB	4,254	1.8	4	1,117	26.3	3	932	21.9
ESSA	9,617	19.5	78	2,401	25.0	15	992	10.3
MAR	1,852	3.1	8	681	36.8	7	535	28.9
PAT	2,535	1.2	3	2,197	86.7	2	1,188	46.9
NBS	3,376	1.3	2	403	11.9	1	34	1.0
ALL COMMERCE	25,751	27.9	100	6,987	27.1	28	3,681	14.3

This table indicates that while ESSA has by far the largest number of exclusive unit recognitions, the Patent Office is the most heavily organized in terms of employees covered in exclusive units. Preliminary indications are that Executive Order 11491, with its newly added criteria for exclusive unit determination (effective dealings and efficiency of operations) may be exercising a braking effect on the further formulation of small Weather Bureau locals.

GRAPHICS: II-6-21-G1

U. S. Department of Commerce - Commerce Supervisory Course 21-G5

GRAPHICS: II-6-21-G2

PROGRAM PRINCIPLES

RECOGNIZE BASIC EMPLOYEE RIGHTS

PENALIZE OBSTRUCTIONIST EMPLOYERS

GRANT PREFERENCE TO MAJORITY ORGANIZATIONS

MEET AND CONFER IN GOOD FAITH

EMULATE PRIVATE SECTOR PRACTICE

PUBLIC VERSUS PRIVATE LABOR RELATIONS DIFFERENCES

STRIKE BAN

IMPASSE PROCEDURES

ESSENTIAL SERVICES

PUBLIC OPINION AND POLITICS

MERIT PRACTICE AND SYSTEMS

FRAGMENTED APPROVAL AUTHORITY

GRAPHICS: II-6-21-G3

STRIKE BAN

GRAPHICS: II-6-21-G3

IMPASSE PROCEDURES

GRAPHICS: II-6-21-G3

ESSENTIAL SERVICES CANNOT BE CURTAILED.

BASIC CHANGES IN EO 11491

CENTRAL AUTHORITY

ROLE OF SUPERVISOR

ELIMINATE MULTIPLE RECOGNITION

THIRD PARTY RESOLUTION OF DISPUTE

NEGOTIATION PROCESS AND STATUS OF AGREEMENTS

REPORTING AND DISCLOSURE

GRAPHICS: II-6-21-G5

CENTRAL AUTHORITY

FEDERAL LABOR RELATIONS COUNCIL

- Program Directions
- Appeals

FEDERAL LABOR IMPASSES PANEL

- Decide on Jurisdiction
- Institute Fact Finding
- Settle Disputes

ASSISTANT SECRETARY OF LABOR

- Unit Determination
- Supervise Elections
- Complaints of Unfair Labor Practices
- Violations of Standards of Conduct

GRAPHICS: II-6-21-G6

SUPERVISOR DEFINED

HIRE — PROMOTE

TRANSFER — DISCHARGE

SUSPEND — ASSIGN

LAY OFF — REWARD

RECALL — DISCIPLINE

RESPONSIBLE TO DIRECT EMPLOYEES

EVALUATE THEIR PERFORMANCE

ADJUST THEIR GRIEVANCES

EFFECTIVELY <u>RECOMMEND</u>; NOT MERELY ROUTINE OR CLERICAL

GRAPHICS: II-6-21-G7

ISSUES

MEMBERSHIP AND REPRESENTATION

SUPERVISORY EXCLUSION

NO STRIKES!

DEMOCRACY AND INTEGRITY

MEET AND CONFER--COLLECTIVE BARGAINING

MANAGEMENT RIGHTS

ADMINISTRATIVE MACHINERY

DISPUTE SETTLEMENT PROCEDURES

21-H1

U.S. Department of Commerce

COMMERCE SUPERVISORY COURSE

SESSION II-6-21

LABOR-MANAGEMENT RELATIONS

HANDOUTS

HANDOUT: II-6-21-H1

EXEUCUTIVE ORDER 11491

Copies of Executive Order 11491 may be obtained from your Personnel office, or from the Department of Commerce Labor Relations Advisor.

Copies of this Handout should be distributed to the class in advance of the formal session as an item of required reading.

Section 24 of the Executive Order does not preclude the renewal, continuation or initial according of recognition for units of management officials or supervisors represented by labor organizations which historically or traditionally represent the management officials or supervisors in private industry and which hold exclusive recognition for units of such officials or supervisors in any agency on the date of this order.

HANDOUT: II-6-21-H2

GLOSSARY OF EMR TERMS

IMPASSE	When Management officials and employee organizations representatives are involved in a negotiation and cannot reach a mutual agreement on an issue an impasse develops.
DISPUTE	When there is a violation of a negotiated contractual agreement there is a basis for a dispute.
ARBITRATION	Is the method by which an outsider is given the power to render a decision on a grievance or a dispute involving management and an employee organization.
MEDIATION	The process of mediation is one by which communication is maintained between the parties who are at an impasse in order to propose suggestions for settlement. Mediation works best when it is jointly sought by the disagreeing parties. It has no power to compel. It is fruitful only through logic and persuasion.
GRIEVANCE	When an employee experiences a circumstance or condition thought to be unjust and grounds for complaint, providing it is a variance with negotiated procedures or Civil Service Commission regulations, he is entitled to lodge a grievance.
ADVERSE ACTION	An adverse action is the removal, suspension, furlough without pay, and reduction in rank or pay taken by an agency against an employee of that agency.
NEGOTIATION	It is the method whereby both management and employee organization meet, confer in good faith, and come to a joint decision on issues and policies which affect working conditions of employees. Excluded from negotiation are issues such as budget, mission.

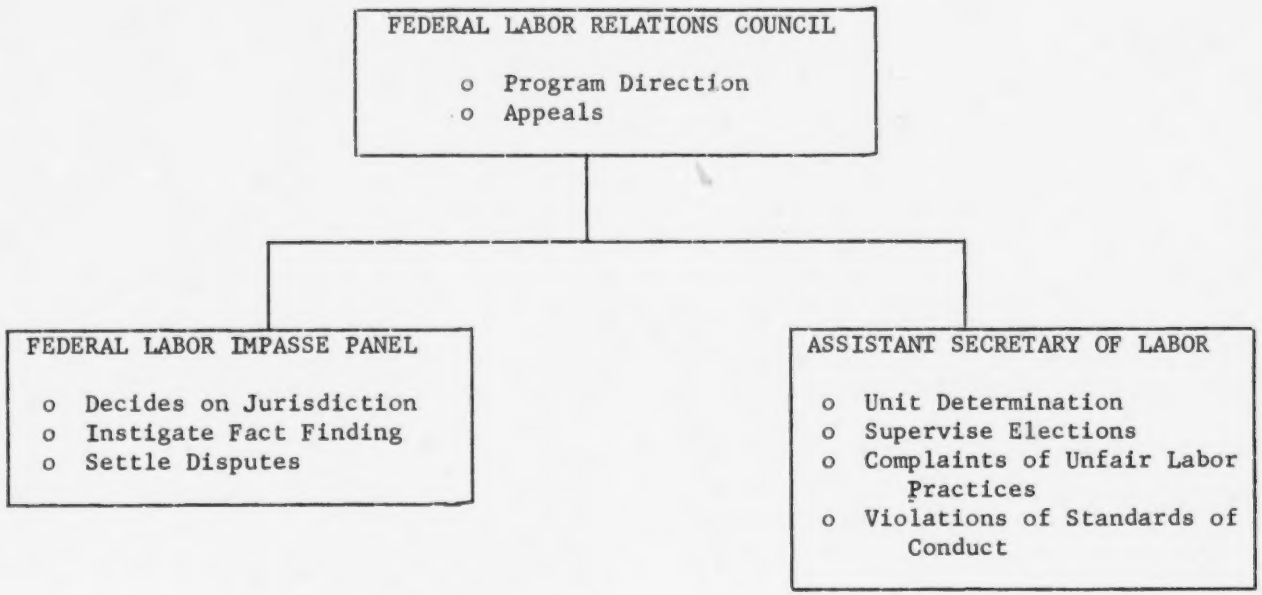
GLOSSARY OF EMR TERMS (continued)

CONSULTATION	Consultation is the process by which an employee organization participates in the formulation of policies by providing information to management before the decisions are made.
EXCLUSIVE RECOGNITION	Recognition of an employee organization as the exclusive representation of the employees in the unit is accorded by the agency when the organization has been selected, in a secret ballot election, by a majority of the employees.
REPRESENTATION	When a labor organization has been accorded exclusive recognition, it is then the exclusive representative of employees in the unit, and is entitled to act for and to negotiate agreements covering all employees in the unit.
DUES CHECK-OFF	When a labor organization holds exclusive recognition and the agency deducts the regular and periodic dues of the members of that organization, recovering the costs of making the deductions, this is termed dues check-off.

21-H6 U. S. Department of Commerce - Commerce Supervisory Course

HANDOUT: II-6-21-H3

THIRD PARTY MACHINERY



HANDOUT: II-6-21-H4

SUPERVISORY STATUS

"Supervisor" means an employee having suthority, in the interest of an agency, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to them, or to evaluate their performance, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Each employee of the executive branch of the Federal Government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right. Except as otherwise expressly provided in this Order, the right to assist a labor organization extends to participation in the management of the organization and acting for the organization in the capacity of an organization representative, including presentation of its views to officials of the executive branch, the Congress, or other appropriate authority. The head of each agency shall take the action required to assure that employees in the agency are apprised of their rights under this section, and that no interference, restraint, coercion, or discrimination is practiced within his agency to encourage or discourage membership in a labor organization.

The above paragraph does not authorize participation in the management of a labor organization or acting as a representative of such an organization by a supervisor, except as provided in section 24 of this Order, or by an employee when the participation or activity would result in a conflict or apparent conflict of interest or otherwise be incompatible with law or with the official duties of the employee.

Section 24 of the Executive Order does not preclude the renewal, continuation or initial according of recognition for units of management officials or supervisors represented by labor organizations which historically or traditionally represent the management officials or supervisors in private industry and which hold exclusive recognition for units of such officials or supervisors in any agency on the date of this order.

HANDOUT: II-6-21-H5

CASE STUDIES

The Labor Relations Officer for the Department of Commerce located in the Department's Personnel Office maintains a file of current case materials that affect the labor relations issues in the Department of Commerce.

The instructor of this session should contact the Labor Relations Officer to get advice on particular issues of relevancy to his supervisors and should collect any case material that may be used in this session. Any such materials should be handed out in advance of the session as required reading.

HANDOUT: II-6-21-H6

QUESTIONNAIRE

1. If a Federal employee asks his supervisor whether or not he may join a union, the supervisor should tell him:

   (a) he may not join, it is against Federal law;

   (b) he should not join, because unions only create difficulties;

   (c) he is free to join or not join, without coercion from either management or labor;

   (d) he most certainly may join, because EO 11491 encourages the development of effective labor-management relations.

2. The right of Federal employees to strike is:

   (a) allowed under the Postal Reorganization Act;

   (b) forbidden by Executive Order;

   (c) allowed, if the employee belongs to a union;

   (d) allowed to all employees.

3. A manager (or supervisor) in the Federal service, in his relations toward unions, should be that of:

   (a) an adversary;

   (b) a neutral;

   (c) an endorser;

   (d) all of the above;

   (e) none of the above.

4. A Federal manager should advise employees on the:

   (a) undesirability of union membership;

   (b) plusses and minuses of union membership;

   (c) desirability of union membership;

   (d) all of the above;

   (e) none of the above.

QUESTIONNAIRE (continued)

5. Under EO 11491, if a union with exclusive recognition in your agency desires to meet with you to discuss the length of time taken on "coffee breaks," your position as a manager can best be described by:

   (a) you will forbid the union to talk to you, because this is in the area of management rights;

   (b) you will allow the union to make its case, but since CSC regulations define the use of "coffee breaks" you have no need to "give in" to the union;

   (c) you will meet and confer with the union representative;

   (d) you will be in a collective bargaining situation with the union representative.

6. An agency is negotiating an agreement with a union having exclusive recognition. The union demands that compulsory arbitration be accepted as the final step of the grievance process. Under EO 11491, the agency's stand:

   (a) is irrelevant because the EO states that compulsory arbitration must be accepted;

   (b) may be against compulsory arbitration, but must allow at least advisory arbitration;

   (c) may be against any arbitration, unless the head of the agency accedes to it;

   (d) may be against any arbitration at all;

   (e) may be either (c) or (d) above.

7. The number of Commerce employees represented by unions with exclusive recognition is about:

   (a) 27% of the work force;

   (b) 52% of the work force;

   (c) 54% of the work force;

   (d) 85% of the work force.

QUESTIONNAIRE (continued)

8. A union steward comes to you and says that he wants to lodge a grievance for one of your employees whom you know is not a union member. You should tell him:

   (a) to register the grievance with the appropriate personnel official according to Civil Service regulations;

   (b) to submit his grievance in writing;

   (c) to sit down and give you the facts;

   (d) to leave since the employee is not a union member.

9. The obligation to consult or negotiate does not extend to a number of items. Which of the following <u>is</u> subject to consultation, or negotiation under EO 11491; but was not included under EO 10988:

   (a) mission;

   (b) budget;

   (c) organization and assignment of personnel;

   (d) technology of performing the work.

10. Which of the following constitutes an unfair labor practice?

   (a) Management prepares a plan and requests union comment. The union makes no response and management implements the plan.

   (b) Management prepares a plan and requests union comment. The union refuses to accept management's plan.

   (c) Management prepares a plan and requests union comment. The union takes exception to the plan and requests a consultation.

   (d) Management prepares a plan and implements it. It then asks the union to help implement it.

HANDOUT: II-6-21-H7

LABOR ORGANIZATION CONTRACTUAL AGREEMENTS

The instructor should contact the Labor Relations Officer in his agency to find out what contractual agreements have been negotiated by the exclusive units in his agency.

Copies of these contracts or representative samples of such contracts should be handed out to the supervisors located in those units which have exclusive recognition.

HANDOUT: II-6-21-H18

DEPARTMENT OF COMMERCE: ADMINISTRATIVE ORDER 202-711

Copies of Administrative Order 202-711 may be obtained from your Personnel office, or from the Department of Commerce Labor Relations Advisor.

Each supervisor should be given a copy of this Administrative Order.

HANDOUT: II-6-21-H9

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